

**Remarks/Arguments:**

Claims 1-52 are pending.

Claims 33-35 and 42-44 are allowed.

Claims 4-27, 29-30 and 45 are indicated to be allowable if properly rewritten in independent form.

Claims 1-3, 28, 31-32, 36-41 and 46-52 stand rejected.

By this Amendment, claims 1, 4, 31, 32, 36 and 39-41 are amended and new claims 53 and 54 are added.

No new matter is added by the claim amendments and new claims. Support for the claim amendments and new claims can be found throughout the original specification and, for example, in the original specification at page 17, last full paragraph, page 21, line 1 to page 23, line 25 and the paragraph spanning pages 40 and 41.

Applicants note that the Office Action Summary improperly indicates the Action to be both a final action and a non-Final action. Because a Request for Continued Examination was previously filed after an Advisory Action, this Action is properly a Non-Final Action. Moreover, the form paragraph indicating the Action to be a Final Action is missing from the Action.

**Rejection of Claims 1-3, 28, 31-32 and 39-41 under 35 U.S.C. §102(e)**

In the Office Action, at item 2, claims 1-3, 28, 31-32 and 39-41 are rejected under 35 U.S.C. §102(e) as anticipated by Bronnimann et al. (US Patent Publication No. 2004/0044571, hereafter referred to as Bronnimann).

Reconsideration is respectfully requested.

Claim 1 is directed to a method of determining quality rankings of user traffic directed from at least one traffic producer Web site to a plurality of traffic consumer Web sites, and recites:

... determining, at the traffic quality intermediary, a quality ranking of the user traffic of each of the traffic consumers based upon a weighting of a plurality of traffic data parameters associated with the user traffic data received by the traffic quality intermediary and the unique identifier of the respective traffic consumer.

That is, the quality ranking of the user traffic is based upon a weighting of a plurality of traffic data parameters associated with the user traffic data.

### **Bronnimann Reference**

Bronnimann discloses an internet advertisement listing provider that distributes advertisements in a bid-for-placement arrangement from the bidding advertisers. In the Bronnimann system, the advertising listing provider system may monitor and store click-through rates for the advertisement for a given advertiser. For example, in Bronnimann, the primary advertisement provided by the high bidder on the keyword "DVD" may generate a 20 percent click-through rate. Moreover, based on a bid of \$.25 per click-through, that rate generates a revenue per thousand (RPM) of \$50. That is, Bronnimann discloses the use of a single parameter, namely click-through to determine a quality of the user traffic. Bronnimann, however, is silent regarding "a quality ranking of user traffic of each of the traffic consumers" and, furthermore, such a quality ranking being "based upon a weighting of a plurality of data traffic parameters," as required by claim 1. This is because, Bronnimann merely contemplates the use of a single parameter (click-through) to compare various advertisers. (See Bronnimann at paragraph [0047]-[0048].)

Accordingly, it is submitted that claim 1 patentably distinguishes over Bronnimann for at least the above-mentioned reasons.

### **Claims 31-32 and 39-41**

Claims 31-32 and 39-41, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Bronnimann for at least similar reasons to those regarding claim 1.

### **Claims 2, 3 and 28**

Claims 2, 3 and 28, which include all of the limitations of claim 1, are submitted to patentably distinguish over Bronnimann for at least the same reasons as claim 1.

### **Rejection of Claims 36-38 under 35 U.S.C. §103(a)**

In the Office Action, at item 5, claims 36-38 are rejected under 35 U.S.C. §103(a) as unpatentable over Bronnimann in view of Taraborelli et al. (US Patent Publication No. 2003/0208578, hereafter referred to as Taraborelli).

Reconsideration is respectfully requested.

Claim 36, which includes similar but not identical features to those of claim 1, is submitted to patentably distinguish over Bronnimann for at least similar reasons to those regarding claim 1.

The addition of Taraborelli does not overcome the deficiencies of Bronnimann. This is because, Taraborelli does not disclose or suggest "weighting each of the aggregated traffic data parameters to determine a quality ranking of the monitored user traffic of each of the traffic consumers," as required by claim 36. Instead, Taraborelli discloses a system which includes a web traffic analysis service 180. A specific web metric tool may be used for the analysis service 180 and is adapted for collecting for each site 156 and 158 data that includes number of visitors, search engine referrals, key word used to find the site, traffic referrals from other sites web pages, site entry, exit and travel paths. (See Taraborelli at paragraph [0024].) That is, Taraborelli discloses a number of different parameters which are used for reviewing the marketing effectiveness of websites 156 and 158. Taraborelli, however, is silent regarding the weighting of such parameters to produce the ranking of traffic consumers.

Accordingly, it is submitted at claim 36 patentably distinguishes over Bronnimann in view of Taraborelli for at least the above-mentioned reasons.

#### **Claims 37 and 38**

Claims 37 and 38, which include all of the limitations of claim 36, are submitted to patentably distinguish over Bronnimann in view of Taraborelli for at least the same reasons as those regarding claim 36.

#### **Rejection of Claims 46-52 under 35 U.S.C. §103(a)**

In the Office Action, at item 7, claims 46-52 are rejected under 35 U.S.C. §103(a) as unpatentable over Bronnimann in view of Glommen et al. (US Patent Publication No. 2004/0260807, hereafter referred to as Glommen).

Reconsideration is respectfully requested.

Claims 46-52, which include all of the limitations of claim 31, are submitted to patentably distinguish over Bronnimann for at least the same reasons regarding claim 31.

The addition of Glommen does not overcome the deficiencies of Bronnimann. This is because, Glommen does not disclose or suggest "determining, at the traffic quality intermediary, a quality ranking of the user traffic of each of the traffic consumers based upon a weighting of the plurality of the traffic data parameters associated with the user traffic data received by the traffic quality intermediary and the unique identifier of the respective traffic consumer," as required by claim 31. Instead, Glommen discloses a traffic analyzer 106 to follow the flow of traffic through a website. Glommen, however, is not concerned with determining a ranking based on a weighting on a plurality of traffic parameters.

Accordingly, it is submitted that claims 46-52, by virtue of their dependency from claim 31, patentably distinguish over Bronnimann in view of Glommen for at least the above-mentioned reasons.

**New Claims 53 and 54**

New claims 53 and 54 which include all of the limitations of claim 1, are submitted to patentably distinguish over the cited art for at least the same reasons as those regarding claim 1.

New claim 53 includes patentable distinctions beyond those of claim 1, namely that:

the plurality of traffic data parameters include at least one of (1) a click delay indicating a delay period between a search request and a click of the respective link, (2) a time associated with receipt of the user traffic at the traffic quality intermediary, (3) a number of mouse clicks used in selecting a listing on the traffic producer Web site, (4) a browser language, (5) a country, or (6) spatial coordinates relating to locations on a display of a user's computer, on which the listing was displayed.

New claim 54 also includes patentable distinctions beyond those of claim 1, namely:

determining using one or more of the plurality of traffic data parameters whether the user traffic data associated therewith had been simulated.

Entry and consideration is respectfully requested.

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### Conclusion

In view of the claim amendments and new claims, Applicants submit the application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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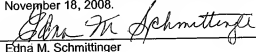
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I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents on November 18, 2008.



Edna M. Schmittinger

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